

Exhibit “B”

Land Use Element Revisions

The following is an excerpt from the Land Use Element of the City of Fremont General Plan that identifies the revisions that are proposed to maintain consistency between the proposed April 2003 Housing Element and the Land Use Element of the General Plan.

Revisions to the Land Use Element are shown in underlined and ~~strike through~~ text.

Exhibit “B” Land Use Element Revisions

Goals, Policies and Implementation

Fundamental Goals

Virtually all of the City's Fundamental Goals are relevant to land use, but the following are perhaps most relevant:

- F 2 AN HARMONIOUS BLEND OF THE NATURAL AND BUILT ENVIRONMENTS
- F 3 A CITYSCAPE WITH AN OPEN FEELING
- F 5 A VIBRANT, WELL DEFINED, VISUALLY DISTINCTIVE CENTRAL BUSINESS DISTRICT AS THE FOCUS OF THE CITY'S GOVERNMENTAL, CULTURAL AND COMMERCIAL ACTIVITY
- F 6 A UNIFIED CITY WITH THRIVING DISTRICTS AND EMERGING COMMUNITIES, EACH WITH ITS OWN IDENTITY
- F 7 AN OPEN SPACE FRAME THAT INCLUDES THE HILLFACE, BAY WETLANDS AND GATEWAYS
- F 8 A DIVERSITY OF RESIDENTIAL, RECREATIONAL, CULTURAL, EMPLOYMENT AND SHOPPING OPPORTUNITIES
- F 9 A LARGE, DIVERSIFIED INDUSTRIAL AND COMMERCIAL BASE TO MEET THE EMPLOYMENT NEEDS OF THE CITY'S PRESENT AND FUTURE WORKFORCE
- F 12 PARKS, RECREATIONAL FACILITIES AND OPPORTUNITIES
- F 13 VITAL CONNECTIONS BETWEEN THE HISTORY AND HERITAGE OF THE COMMUNITY AND EVERYDAY LIFE

The following subsections are divided into broad land use designations: residential, commercial, industrial, open space and public uses. Each section discusses **land use goals** related to the designation, followed by **plan policies** and **design and development policies**. Unlike other chapters of this plan, there are no objectives in the Land Use Chapter.

Land Use Diagrams

The City's land use policies are reflected in the City's land use diagrams. The Summary Land Use diagram shows the City as a whole and illustrates land use relationships. However, due to the size of the City, the summary diagram aggregates some land use categories. More specific and detailed information on land uses is shown on the Planning Area diagrams which should be used for determining General Plan designations for any particular parcel.

Residential Development

Several of the City's Fundamental Goals relate to residential development. In summary, these goals state the importance of a diverse community, and of blending the natural and built environment. Of the four goals in the Housing Chapter, three are most relevant to land use, as follows:

- GOAL H 1: Conservation and enhancement of existing residential neighborhoods
- GOAL H 2: High quality and well-designed new housing of all types throughout the city
- GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002

Taken together, these goals lead to one primary land use goal:

LAND USE (LU) GOAL 1: New housing development while conserving the character of the City's existing single family residential neighborhoods

Residential Land Use Policies

Allowed Uses and Densities

- Policy LU 1.1: The following list of allowed uses in areas designated for residential use is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the goals and objectives and in the design and development policies.

Residential. Residential use ~~are~~ is the primary allowed use in a residentially designated area. The type of residential use depends on the permitted density and other criteria to protect neighborhood character and the safety and welfare of residents.

In areas designated Residential-Centerville Specific Plan (R-CSP) and where zoned for commercial use, commercial uses are also permitted.

~~In areas designated Residential-Glenmoor Commercial (R-GC) and where zoned for commercial use, commercial uses are also permitted in conformance with the commercial zoning. Residential development of land previously designated commercial requires a Planned District rezoning. This General Plan land use designation will allow commercial use of existing commercial buildings while the site is converted to residential use. At the time residential development of the Glenmoor Shopping Center is substantially complete, the~~

~~General Plan land use designation should be changed to Residential, Low Density, 5 to 7 units per acre. [Note: This policy has been implemented].~~

Schools, Childcare Centers, Public and Semi-Public Facilities (e.g., churches) and Nursing Care facilities. These uses may be allowed, although conditions may be established to limit the impacts of these uses on residents.

Policy LU 1.2: ~~Residential density ranges are presented in Table 3-4. For conventional development, the maximum permitted density shall be Step 1.~~

Policy LU 1.3: ~~A density increase above Step 1 to Step 2 may be conditionally allowed at the discretion of the City Council to projects providing special amenities. To ensure appropriate site design and development standards, increased densities above Step 1 shall only be granted to a project approved as a Planned District development. Amenities which would permit a project to have up to a Step 2 density can include but are not limited to such features as special landscaping, recreational amenities, permanent protection of environmentally sensitive areas, provision of transit amenities, or other features beyond those required for Step 1. Reserved.~~

~~**Implementation 1:** Requirements for a project above Step 1 to Step 2 density shall be established in the zoning ordinance.~~

Policy LU 1.4: ~~An increased density above Step 2 to a maximum density of Step 3 may be conditionally allowed at the discretion of the City Council to a project which provides extraordinary benefits to the City. To ensure appropriate site design and development standards, increased densities above Step 1 shall only be granted to a project approved as a Planned District development. Extraordinary benefits to the City can include but are not limited to: significantly increased affordability of units; significantly greater preservation and/or enhancement of environmentally sensitive land or historically significant sites than normally required for Step 2. Step 3 can also be granted to projects which include off site preservation of environmentally sensitive land or historically significant sites. Reserved.~~

~~**Implementation 1:** The Planning Commission and City Council shall review projects proposed above Step 2 for the provision of extraordinary benefits to the City consistent with the above policy.~~

Policy LU 1.5: Residential Density Range 14 shall only be considered for land within walking distance (about one half mile) of a BART Station or other major transit facility. Residential density Range 15 may only be considered for land within walking distance (about one-half mile) of the Fremont BART Station in the Central Planning Area.

**Table 3-4
Residential Density Ranges**

	Density Range	Residential Intensity Dwelling Units Per Acre			Persons/ Acre***
		<u>Step 1 Minimum Density</u>	<u>Step 2 Midpoint Density</u>	<u>Step 3 Maximum Density</u>	
Very Low	1	.25	.67	1.0	1.8 <u>2.1</u>
	2	.5	1.0	1.5	2.7 <u>3.2</u>
	3	1.0	1.5	2.3	4.1 <u>4.8</u>
Low	4	2.0	2.8	3.5	7.7 <u>8.9</u>
	5	3.0	4.0	5.0	11.0 <u>12.7</u>
	6	4.0	5.0	6.0	13.7 <u>15.9</u>
Medium	7	5.0	6.0	7.0	16.4 <u>19.0</u>
	8	6.5	8.3	10	22.7 <u>26.3</u>
	9	11.0	13.0	15.0	35.6 <u>41.2</u>
High	10	15.0	16.5	18.0	45.2 <u>52.3</u>
	11	18.0	20.5	23.0	56.2 <u>65.0</u>
	12	23.0	25	27	68.5 <u>79.3</u>
Very High	13	27	31	35	84.9 <u>98.3</u>
	14	35	42.5	50	116.5 <u>134.7</u>
	15	50	60	70	164.4 <u>190.2</u>

* The characterization of density as very low, low, medium, high and very high are used to simplify the presentation of information on the Land Use diagrams. The permitted density ranges are those indicated and are shown on Planning Area maps.

** Density per gross acre

*** Based on estimated average household size of ~~2.74~~ 3.17 people in ~~2005~~ 2010(ABAG) and development at ~~an average midpoint density of Step 1~~ an average midpoint density of Step 2 for each density range. This is not a standard or limit on the number of people who can occupy any given unit or area of the City, but is presented for planning purposes. These persons/acre numbers are the standard used to calculate need for certain facilities (i.e., parks) for geographical areas and to calculate demand (i.e., traffic) and to provide a basis for infrastructure planning.

Density Bonus for Low and Moderate Income Housing and Senior Housing

Policy LU 1.6: To increase the supply of housing affordable to low and very low income households, an increase in density (a "density bonus") of ~~a maximum of 25 percent above the maximum permitted density of Step 1~~ a maximum of 25 percent above the maximum permitted density of Step 2, and an additional incentive shall be given to a housing development in which at least:

- 20% of the units are reserved for low and very low income households; or
- 10% of the units are reserved for very low income households; or
- 50% of the units are for senior citizens.

Implementation 1: Revise the Density Bonus Ordinance consistent with Housing Element Implementation Program 12 and State Density Bonus law.

Policy LU 1.7: ~~To encourage the development of housing affordable to low and very low income households, the Council may, at its discretion, allow a density bonus of a maximum of 25 percent above Step 2 for a Planned District residential development in which at least:~~

- a) ~~20% of the units are reserved for low income households; or~~
- b) ~~10% of the units are reserved for very low income households; or~~
- e) ~~50% of the units are for senior citizens. Reserved.~~

Policy LU 1.8: Housing provided in exchange for a density bonus must continue to be available to the targeted ~~tenants~~ residents for at least thirty years ~~desirable~~ (definition of low and very low income households are discussed in the Housing Chapter).

Implementation 1: When a density bonus is sought, the City shall enter into binding agreements as indicated in the policy.

Minimum Permitted Residential Density

Policy LU 1.9: To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City's goals. The City therefore establishes a minimum required density of development for all medium and high density residential uses, as follows:

- When the residential range is between ~~eleven (11)~~ 6.5 ~~units per acre~~ and 35 70 units per acre (ranges 9—13 8-15), and a development application has not been deemed complete for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be within 80% of the Step 1 density, except in Subareas 5 and 7 of the Centerville Specific Plan at the midpoint of the density range.
- When calculation of the midpoint density results in a fraction of a unit equating to 0.50 or more, the minimum density shall be rounded up to the next whole number.

- ~~For areas designated 35 units per acre or more (ranges 14 and 15), development must be 95% of Step 1 density.~~
- ~~For projects including 20% or more units affordable to very low and low income households, development in range 13 may occur below 80% of Step 1, and development in ranges 14 and 15 may occur below 95% of Step 1.~~

~~Minor deviations up to 5 percent may be permitted by the Community Development Director in order to achieve superior design. Reductions in the midpoint density may be approved when environmental constraints or historic preservation goals preclude achievement of the midpoint density.~~

If the property proposed for development contains a Primary Historic Resource, or is listed on the State or National Register of Historic Places, or is determined by City Council through a recommendation from HARB to possess historical significance then minimum density requirements may be waived.

Policy LU 1.10: To provide for increased flexibility in the use of the existing and future housing stock and increase the availability of affordable housing, a secondary housing unit may be permitted to be added to an existing or with a new single family home in a residentially designated area. A secondary unit is a self contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. To protect the character, health, safety and welfare of a neighborhood, such units will be permitted only if certain ~~conditions~~ requirements are met. Those conditions include but are not limited to owner occupancy of one unit.

Implementation 1: The zoning ordinance shall establish appropriate ~~conditions for permitting~~ requirements for secondary units ~~in existing single family neighborhoods and in new single family planned districts~~ in accordance with the provisions of state law.

Residential Design and Development Policies

Policy LU 1.11: Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.

Implementation 1: Specific plans and other types of design or development plans shall include guidelines for appropriate transitions between uses. Where such plans or specific guidelines do not exist, the City's project review process for multi-family, commercial and industrial projects shall review

projects for the provision of appropriate transitions, where necessary.

Implementation 2: Site design in residential projects shall be used to separate habitable areas of the project from noise or light sources. For instance, parking spaces, landscaping and roadways could be located adjacent to a commercial use to help buffer noise and light intrusion.

Policy LU 1.12: To the maximum extent feasible, play areas and open spaces shall be located to avoid conflict between residents attempting to reach these facilities and vehicular traffic.

Policy LU 1.13: Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials.

Policy LU 1.14: Streets shall be located to provide for visual and, when appropriate, physical access to any natural water course, varied terrain, unusual or unique natural features or historical site in the project, consistent with preservation of biological and natural resources.

Policy LU 1.15: Projects shall be designed and oriented to encourage the use of attractive vistas, and the opportunities for the orientation of buildings and open space facilities to the sun.

Policy LU 1.16: Street systems, walkways and soundwalls shall be designed, when feasible, to permit convenient access to public transit and to encourage the provision of public transit to the residents of the subdivision. Bus stops shall be included in the development of improvement plans, where applicable.

Policy LU 1.17: Where open space has been considered as an element in the design of a residential development project, further development or encroachment on the open space by new buildings shall be strongly discouraged. Where feasible, project open space shall be permanently restricted to open space through deed restriction or other appropriate means.

Implementation 1: Appropriate means for permanently protecting open space shall be defined and set forth in City ordinance.

Single Family Homes

Policy LU 1.18: Single family detached homes shall be proportional to their lots.

Policy LU 1.19: For single family residential developments, the City shall encourage within each project varied setbacks, curves in roadways, variety in frontages, and appropriate landscape treatment to create a visually attractive street frontage.

Mixed Use Development

Mixed use development allows for a mixture of residential and commercial uses on one lot and within a single development project. The mixture can be separate commercial and residential buildings on the same parcel of land, or it can be mixed use with compatible commercial and residential uses.

Policy LU 1.20: ~~Mixed use (residential/commercial) is allowed in or adjacent to Community Commercial Centers and the Central Business Districts as specified by the zoning regulations for the respective district in order to where nearby residential uses will increase the vitality and activity within the commercial district. The building intensity standards for the CCC and/or CBD districts shall be applied to mixed use projects.~~

Implementation 1: Develop design and development standards, including residential intensity standards, for mixed use projects within commercial districts. Sites for mixed use can be identified as part of the community commercial center and Central Business District planning processes proposed in this General Plan. Mixed use projects shall be undertaken as Planned District developments.

Rental Housing: Adaptable for the Disabled

Policy LU 1.21: All rental housing of four or more units, including housing developed as condominiums but planned for rental, shall incorporate features to make the housing adaptable to the needs of the physically disabled.

Multi-Family Housing

Policy LU 1.22: Multifamily housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.

Policy LU 1.23: A variety of unit types and sizes shall be encouraged within each multi-family project.

Policy LU 1.24: Multi-family housing (with the exception of housing designed exclusively for seniors) shall be designed to accommodate the needs of families and children.

Implementation 1: ~~Assess the need for a development policy encouraging or requiring~~ Encourage multi-family housing developments to include a percentage of units with three or

more bedrooms consistent with the Housing Element Implementation Program 27(Family and Larger Sized Units).

Implementation 2: ~~Modify the zoning code to anticipate the need for~~ Incorporate appropriate amenities/play areas for children ~~in the design of outdoor areas~~ in multi-family housing developments.

Policy LU 1.25: Where several multi-family projects are on adjacent parcels of land, a variety of architectural and site design treatments shall be encouraged. However, an architectural or landscape design theme for several parcels may be appropriate.

Residential Development in Fremont's Hills

Due to the unique environmental characteristics and visual prominence of the hills, development policies for this area are presented separately in the "Hill Planning Area" section.

Mission Hills West

Due to the constraints associated with development in the hills between I-680 and Mission Boulevard, many of the residential design and development policies in the Hill Area Design and Development policies also apply to this area (as shown on the separate Hill Planning Area map). See the Hill Planning Area section policies.

Commercial Development

The City's Fundamental Goals and the Goals found in the Local Economy Chapter of this General Plan both provide guidance for the development of a commercial land use strategy. The following Fundamental Goals are important.

- F 5 A VIBRANT, WELL DEFINED, VISUALLY DISTINCTIVE CENTRAL BUSINESS DISTRICT AS THE FOCUS OF THE CITY'S GOVERNMENTAL, CULTURAL AND COMMERCIAL ACTIVITY**
- F 6 A UNIFIED CITY WITH THRIVING DISTRICTS AND EMERGING COMMUNITIES, EACH WITH ITS OWN IDENTITY**
- F 8 A DIVERSITY OF RESIDENTIAL, RECREATIONAL, CULTURAL, EMPLOYMENT AND SHOPPING OPPORTUNITIES**

In the Local Economy Chapter, the following goal is most relevant to land use:

GOAL LE 3: A hierarchy of well defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents

Taken as a whole, the above goals lead to one commercial Land Use Goal:

LAND USE (LU) GOAL 2:

Commercial development focused in well defined commercial areas

Figure 3-8 presents a summary of land use designations, intensities of development and employment.

Citywide Commercial Land Use Policies

Policy LU 2.1: Commercial uses shall generally be located in well defined commercial areas. The commercial land use designations allowed within Fremont are shown in Table 3-5.

Policy LU 2.2: Floor Area Ratios (FAR) shown in Table 3-5 are thresholds which shall be applied to all commercial projects. Floor Area Ratios are the ratio of gross building area (exclusive of parking) to net lot area. Thresholds indicate the FAR allowed under conventional development. A higher FAR may be granted at the discretion of the City Council if a project meets one or more of the following criteria. Development policies shall be created to provide examples of how these criteria can be met.

- Extraordinary benefits to the City
- Unique circumstances of the project which would reduce its impacts in comparison to other projects (e.g., less than normal traffic generation)
- Transfer of development right between parcels of land in the vicinity of the project

Implementation 1: The zoning ordinance for commercial uses shall incorporate Floor Area Ratios.

Implementation 2: The zoning ordinance shall be modified to define transfer of development right procedures and conditions.

Policy LU 2.3: Building heights shown in Table 3-5 are thresholds which shall be applied to all commercial projects. Thresholds indicate the maximum height allowed under conventional development. However, additional building height may be granted at the discretion of the City Council if a project meets one or more of the following criteria:

- Extraordinary benefits to the City
- Unique circumstances or special project design which would reduce its impacts in comparison to other projects (e.g., designs which reduce its shadowing impacts)

Table 3-5
Commercial Land Use Designations, Intensity and Height
(the following FAR's and heights are thresholds)

	FAR*	Height	Average Estimated Employees/Acre**
Central Business District			
Within 1/2 mile of BART Stn.	.80	none	116.2
Other areas	.50	none	49.5
Community Commercial Center	.50 to 1.25	40 ft.	57.3 to 143.2
Neighborhood Commercial Center	.30	35 ft.	26.1
Thoroughfare Commercial	.30	35 ft.	26.1
High Volume Commercial	.25	40 ft.	21.8
Office Commercial	.30	35 ft.	50.3
Mixed Use (Commercial/ Residential)***	.50	40 ft.***	22.9

* FAR: Floor Area Ratios

** The City's infrastructure planning is based on assumptions regarding the average number of employees expected to be generated for different types of land uses. That expectation for commercial uses is shown in this last column. Projects which have a likelihood of significantly exceeding this average may require additional environmental impact assessment to review whether the infrastructure, and especially roads, can accommodate the additional employment. This number does not limit the number of employees located in a particular site.

*** Mixed use is allowed in various commercial districts and FAR, height and employees per acre vary based upon applicable regulations established by the respective zoning districts. ~~Height threshold adjacent to Community Commercial Centers, no height limit adjacent to CBD~~

Central Business District

It is the intent of the City to have a vibrant, Central Business District which is the focal point for the City.

Allowed Uses

Policy LU 2.4: The following list of allowed uses for the CBD is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

Offices: All office uses are allowed in the CBD including those considered to have a regional or sub-regional market area. Highest intensity of office use should be located within a half mile of the BART station/transit hub to promote a transit orientation and limit the auto impacts of higher density development.

Retail: All retail uses are allowed, including retail uses with a regional market area such as department stores and large apparel stores. Neighborhood-serving retail uses (such as grocery stores), shall generally be discouraged within a half mile of BART, except when incidental to office development.

Services: All service uses are allowed in the CBD. Gas stations are allowed only in locations which minimize impact on the commercial and pedestrian character of the area.

Medical: Medical uses should be located near Washington Hospital or the Kaiser Clinic to facilitate ease of access between medical facilities and concentration of medical uses.

Entertainment Cultural Facilities: Such uses shall be encouraged anywhere within the CBD. Movie theaters should be discouraged except as an incidental use within one half mile of the BART station.

Eating and Drinking Establishments: Such uses shall be allowed within the CBD. Design of "fast-food" restaurants shall be reviewed to ensure such establishments are pedestrian oriented and promote a pedestrian oriented environment. Drive-through restaurants shall not be allowed.

Mixed Use: A mix of residential and commercial uses may be allowed in the CBD designated area as a Planned District development. To concentrate and focus the CBD, it is expected that some areas currently designated for commercial use will be modified to permit mixed use or higher density residential use, depending on location. In the interim, before a design and development plan is prepared, a mixed use project on the periphery of the CBD may be permitted when such a project incorporates housing for low income households. Any such project must be a Planned Development. A wholly residential project shall not be permitted in the CBD designated area.

Policy LU 2.5: The following uses are generally inappropriate for the CBD:

- Auto repair and auto sales
- High volume retail (see "High Volume Retail" section in this Chapter)
- Wholesale uses except as incidental to retail uses

CBD Design and Development Policies

Policy LU 2.6: Development of the CBD should be guided by a design and development plan which identifies a limited core area for very high intensity development, and other sub-areas as necessary or appropriate. Projects within one-half mile of the BART Station should be high intensity, or be phased and designed so as to not preclude the long-term achievement of a high intensity core area.

Implementation 1: A specific plan or other design and development plan shall be prepared for the CBD.

Implementation 2: Until a more detailed plan is prepared, all projects within the CBD area will be subject to discretionary review for conformance with land use and design and development policies.

Policy LU 2.7: Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain an active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the ground level. Building orientation, setbacks, parking locations and building design shall be evaluated for how each element encourages continuity between developments.

Implementation 1: The proposed design and development plan shall include guidelines for improving and maintaining an active pedestrian environment in appropriate sections of the CBD.

Policy LU 2.8 Central Business District developments shall provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks, crossings, and linking building entrances to adjacent building entrances activity centers and transit as illustrated in the Central Business District Central Area Conceptual Pedestrian Connection Plan. Esplanades shall be provided where designated on the Plan. Elements of the system shall be provided in new projects or in existing projects when significant modifications are made in an existing development.

Implementation 1: Developments shall provide for inter-block and intra-block pedestrian circulation. Pedways shall be provided linking: 1) building entrances to street sidewalks, crossings and bus stops, and 2) building entrances to adjacent buildings and activities (such as public plazas) where appropriate.

Policy LU 2.9: Public open spaces and plazas shall be strongly encouraged throughout the CBD. Such areas should be visible and accessible from public walkways and be appropriately landscaped with opportunities offered for sitting.

Implementation 1: Consider establishing incentives to implement the above policy as part of the proposed CBD design and development plan.

Policy LU 2.10: Encourage publicly visible art works in new private developments and in public spaces.

Implementation 1: Consider establishing incentives or requiring that a proportion of project development costs be devoted to publicly visible art works.

Community Commercial Center

Allowed Uses

Policy LU 2.11: The following list of allowed uses for Community Commercial Centers is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

Offices: The focus of office uses should be to provide neighborhood and City-wide services, such as real estate, accounting, small business offices, etc. Regionally-oriented offices are allowed.

Services: All local-serving commercial services are generally allowed including those related to finance, real estate, insurance, business services, home services, personal services and others. Auto services (including repair, gas stations and cleaning), drive-in services (e.g., drive-up banks), and equipment leasing and rental can be allowed in a CCC district if the use does not have a significant negative impact on the CCC's visual character and pedestrian orientation.

Retail: Uses serving several neighborhoods are encouraged, including grocery stores, drug stores, liquor stores, specialty retail stores, and other sales. Regionally oriented retail sales could be located in CCC areas if the design of the use can also be compatible with the visual characteristics and pedestrian orientation of the area. Regionally oriented retail sales are encouraged to locate in the Central Business District. High volume retail sales establishments (as defined in the "High Volume Retail" section of this Chapter) are not permitted in CCC areas but are encouraged in areas designated for high volume retail sales.

Wholesale: Wholesale businesses are allowed if incidental or connected to a retail sales business. Other wholesaling, warehousing and distribution can be conditionally allowed so long as the uses are compatible with the retail and service character of the area.

Eating and Drinking Establishments: Such establishments are allowed. Fast-food type restaurants are allowed to the degree they can be incorporated into the character of a pedestrian-oriented commercial center. Drive-through restaurants are discouraged unless the drive-through can be oriented so as to be compatible with the visual character and pedestrian orientation of the area.

Mixed Use: ~~Residential uses are allowed as an incidental use within a CCC, with the primary use being retail and/or offices. A mix of residential and commercial uses may be allowed in a CCC designated area; however, as a Planned Development. A wholly residential development is not allowed. in CCC areas. Mixed residential/commercial developments with residences being the primary or major use are not allowed within a CCC area. However, mixed use development is appropriate for the edges of a designated CCC area. Design and development plans recommended for the CCC districts (discussed below) may should allow for mixed use development on the edges of the CCC area to foster vitality and pedestrian activity and promote Housing Element goals in the CCC. In Historic Overlay Districts, single family residences may be associated with commercial uses in a mixed use development.~~

Hotels Motels: Hotels, motels and other lodging facilities are allowed which are consistent with the scale and character of the CCC. Lodging facilities should be integrated into the CCC district to the degree feasible, with commercial frontages maintained on main commercial streets, where appropriate.

Design and Development Policies

Due to the differences between the various CCC areas, the following policies are divided into those which relate to all CCC areas, and those which apply to some or only one of those areas. To further refine and understand the intent of these policies, the discussion of Planning Areas (following section) discusses how these policies should be applied to each Planning Area.

All CCC Areas. The following policies apply to all CCC areas:

Policy LU 2.12: CCC areas shall be limited to those designated in this General Plan.

Policy LU 2.13: CCC areas may be enlarged if a proposed increase in size is consistent with the concept of concentration and integration of uses, or if an increase is necessary to accommodate a particular proposed use that could not otherwise be readily accommodated within the existing designated CCC area.

Implementation 1: Proposed modifications in General Plan designations and zoning shall be reviewed for conformance with the above policy.

Policy LU 2.14: A CCC should be a pedestrian oriented commercial environment. To maintain an active pedestrian environment, buildings oriented toward sidewalks or public plazas and walkways shall be strongly encouraged. Retail uses shall be encouraged at the ground level.

Implementation 1: The proposed design and development plan shall include guidelines for improving and maintaining an active pedestrian environment.

Four Historic Districts. The following policies apply to the four historic CCC districts: Irvington, Centerville, Mission San Jose and Niles.

Policy LU 2.15: Community Commercial developments shall provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks and crossings, and linking building entrances to adjacent building entrances and activity centers where appropriate.

Policy LU 2.16: Development of the CCC area should be guided by a design and development plan. The plan should assess the appropriate area needed for commercial uses and recommend alternative uses (including mixed use), particularly for areas outside the identified commercial center. The plan should also identify parking strategies for the commercial area as a whole so as to foster a pedestrian oriented shopping environment. The plan should address historic preservation and design guidelines for each CCC.

Implementation 1: A specific plan or other design and development plan or guidelines shall be prepared for each of the four historic districts.

Implementation 2: The design guidelines being prepared for a portion of the Irvington CCC shall be completed and adopted. Additional land use analysis for Irvington should be conducted. Consideration should be given to the impact of BART on the area and BART design plans should be carefully reviewed for compatibility with the character and long term vitality of the commercial area.

Policy LU 2.17: Each of the four historic commercial centers shall be oriented toward pedestrians to the degree feasible. New development should strengthen the "Main Street" character of these areas. Projects should be planned to create active pedestrian frontages oriented towards sidewalks, streets or, when appropriate, towards a public plaza.

Implementation 1: Design and development plans should include designation of a pedestrian network.

Policy LU 2.18: Where appropriate, buildings shall be oriented toward the street and sidewalk. Whenever feasible, parking should be at the rear of buildings or in joint parking areas rather than in front of buildings and businesses.

Policy LU 2.19: New development projects should be integrated with existing development in regards to design, scale and character. Existing Street trees and landscaping should be conserved.

Implementation 1: The proposed design and development plans shall include guidelines for integration of uses, for transitions between uses and intensities, and more specific guidelines for intensity of use.

Implementation 2: Until a design and development plan is prepared for each area, proposed developments should be reviewed for conformance with the intent of this policy.

Centerville. A Specific Plan is being prepared ~~has been adopted for Centerville. Upon adoption, its land use recommendations will be implemented. In the interim, the following land use policy applies.~~

Policy LU 2.20: ~~All new buildings or changes in use proposed within the Centerville Study Area shall be subject to discretionary review. The review will consider the potential for a proposed project to hinder the specific planning process. Uses which have no potential for serious conflicts with the contemplated specific plan or planning process will be allowed under the existing General Plan designation. Implement the adopted land use policies of the Centerville Specific Plan.~~

Warm Springs and Mowry/Blacow. The following policy applies to the CCC areas at Mowry Avenue and Blacow Road, and at Warm Springs and Mission Boulevards. To achieve increased pedestrian orientation, future development should focus and integrate the existing developed CCC area.

Policy LU 2.21: New development shall be oriented toward integrating and connecting the designated CCC. Site development planning should establish connections between parcels and development projects. Building orientation, setbacks, parking locations and building design shall be evaluated for how each element encourages continuity.

Northern Plain (Ardenwood). The following policy applies to the proposed Northern Plain CCC area located in the Ardenwood Forest area:

Policy LU 2.22: The designated CCC area should be designed so as to create an integrated shopping and service commercial area, oriented as much as feasible to pedestrians. It should be visually integrated with and, if feasible, physically connected to the surrounding neighborhood.

Neighborhood Commercial

Allowed Uses

Policy LU 2.23: The following list of allowed uses for Neighborhood Commercial Centers is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies. Wholly Residential uses are not permitted.

Retail: Neighborhood serving retail uses, such as a food store, drug store, liquor store, small hardware or variety store, are allowed. Department stores and other large retail outlets should not be allowed.

Services: All neighborhood-serving commercial services are generally allowed including branch banks and personal services such as cleaners, video rental and shoe repair. Gas stations may be allowed in locations easily accessible to arterials and/or collector streets. Auto repair, except as part of a gas station, shall not be permitted.

Eating and Drinking Establishments: Eating establishments are permitted. Drinking establishments and drive-through restaurants are discouraged unless the drive-through can be oriented so as to be compatible with the character and pedestrian orientation of the shopping area.

Offices: Offices may be allowed only if they are oriented towards neighborhood services, such as accountant/tax services, real estate services, insurance services and the like.

Mixed Use: A mix of residential and neighborhood commercial uses may be allowed in a CN designated area; however, a wholly residential development is not allowed. Mixed use developments may shall be permitted where the vitality and pedestrian activity of the commercial district is maintained

Implementation 1: The zoning ordinance shall be modified where necessary to be in conformance with this policy.

Design and Development Policies

Policy LU 2.24: Neighborhood commercial areas are smaller shopping areas which provide a variety of convenience goods and services to a surrounding neighborhood. To provide the appropriate mix of goods without competing with Community Commercial Centers, they should be no smaller than three acres and no larger than ten acres. It should be noted that some designated Neighborhood Commercial areas are not associated with a neighborhood and some do not meet the criteria of size and

concentration of uses. These areas are shown as Neighborhood Commercial on the land use plan due to their current mix of uses.

Policy LU 2.25: Each residential neighborhood should be adequately served with goods and services. Proposals for new Neighborhood Commercial areas shall identify the market area to be served and the mix of uses proposed. The evaluation of proposals for a Neighborhood Commercial designation on land not currently so designated shall consider whether existing Neighborhood Commercial areas could accommodate the proposed uses.

Policy LU 2.26: Neighborhood Commercial centers should generally be developed as a single project, with a theme and consistent architectural style and materials. A design theme should be appropriate to the area in which it is located.

Thoroughfare Commercial

Allowed Uses

Policy LU 2.27: The following list of allowed uses for Thoroughfare Commercial areas is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies. Wholly ~~Residential~~ uses are not permitted.

Retail: Small stores providing a range of convenience goods (including groceries) and other uses clearly serving the motoring public are allowed. Small convenience stores incidental to gas sales are generally allowed. Auto sales are allowed. Any retail use is subject to meeting the conditions discussed under "Design and Development" policies and other conditions regarding compatibility with surrounding uses as may be defined in the zoning ordinance.

Services: Gas stations, including those with integral repair and cleaning facilities, are allowed. Office uses are not allowed except as incidental to other uses.

Eating and Drinking Establishments: These uses are allowed, including drive-through.

Hotel/Motel: Lodging facilities of all kinds are permitted.

Mixed Use: A mix of residential and thoroughfare commercial uses may be allowed in a CT designated area; however, a wholly residential development is not allowed. Mixed use developments may shall be permitted where the vitality of the commercial district is maintained.

Design and Development Policies

Policy LU 2.28: The thoroughfare commercial designation shall apply to uses which primarily serve the traveling public and/or are inappropriate for commercial centers, as described under "Allowed Uses." This use designation should not be applied to projects which primarily provide goods and services to a neighborhood or community (e.g., dry cleaning, audio-video stores, specialty food stores, etc).

Policy LU 2.29: Thoroughfare Commercial uses shall be located on an arterial street with a high volume of through traffic. Sufficient roadway width or alternative access points shall permit access to the commercial site without significant impacts on the carrying capacity or safety of the road. Appropriate locations are near freeway interchanges and along the City's arterials, and especially at intersections of arterials. Locations on collector streets shall generally be discouraged.

Implementation 1: The designation of new Thoroughfare Commercial areas on the City's General Plan land use diagram shall be subject to criteria listed in policies LU 2.28 and LU 2.29 to ensure the intent of this policy is carried out.

Policy LU 2.30: All proposed uses in a Thoroughfare Commercial designated area should be evaluated to determine that the use is primarily oriented toward the motoring public or is inappropriate to an existing commercial area.

Implementation 1: A limited number of uses, primarily serving the traveling public shall be permitted. Other thoroughfare commercial uses shall be subject to discretionary review and approval to ensure the intent of this policy is carried out.

Policy LU 2.31: Thoroughfare Commercial designation shall generally not be applied adjacent to or within a quarter mile of another commercially designated area of the City unless the proposed use is inappropriate for the existing commercial area and is clearly oriented toward serving the motoring public.

Implementation 1: Any proposed General Plan amendment for a Thoroughfare Commercial designation shall be reviewed for conformance with the above policy.

Policy LU 2.32: Thoroughfare Commercial uses shall be designed to be compatible with surrounding uses and/or compatible with the design theme of a district or planning area (e.g., "Mission" style in Mission San Jose). Because such uses are often in highly visible locations, such uses should be attractive additions to the City's environment, incorporating appropriate landscaping and other design features.

High-Volume Retail

Allowed Uses

Policy LU 2.33: "High Volume Retail" uses commonly have relatively large floor areas, do a very high sales volume, and generally sell bulky or large quantity goods. These types of uses usually require easy auto access and visibility from major transportation corridors. The following list of allowed uses for High-Volume Retail areas is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies. Residential uses are not allowed.

Warehouse/Retail: These types of retail stores provide a wide mix of bulk retail goods. The stores include very low overhead "warehouse" type interiors and do both wholesale and retail trade. They have very large floor areas. Smaller retail stores should be located in other commercial areas, as should any store devoted primarily to food or apparel sales.

Furniture Outlets: These stores include a wide range of furniture and other home furnishings. Similar to the warehouse retail store, these outlets generally include low-overhead, "warehouse" type environments.

Home Improvement: These large stores carry a wide range of home improvement goods from lumber to standard hardware, and may include planting and yard material.

Auto Sales: The Fremont auto-mall is a high volume sales area which generally requires large "floor-areas." The auto mall has therefore been identified as a High Volume Commercial area. However, other high-volume oriented retail uses should not be allowed in this area in order to reserve land (and road capacity) for expansion of auto-related sales and services.

Eating and Drinking Establishments: These uses are allowed.

Design and Development Policies

Two areas in the City are designated for high-volume retail stores. One is the existing area near Stevenson and Albrae, and the other is the proposed Fremont Auto Mall west of I-880. At present, there is insufficient road capacity to permit a significant increase in retail development beyond that currently planned in either of those areas.

Policy LU 2.34: Expansion of currently designated High Volume Commercial areas should be allowed only when roadway capacity can be increased or projected congestion can be mitigated.

Implementation 1: Additions to these areas shall be considered only when proposals incorporate necessary mitigations as identified in the policy.

Policy LU 2.35: An area can be designated High Volume Commercial if sufficient market demand indicates additional area within the City is required for this use. The criteria to be used in assessing whether to designate a site High Volume Commercial shall include the following:

- Convenient access from a freeway. Visibility from the freeway is preferred.
- Convenient access from an arterial with sufficient road capacity to accommodate expected traffic at acceptable levels of service and without adverse impacts on existing residential or industrial uses.
- The proposed retail sales area would not have an impact on existing industrial uses, and is not in the midst of existing industrial uses.

Policy LU 2.36: High-volume retail stores shall only be allowed in industrially designated areas meeting the identified criteria for conversion to a High Volume Commercial designation. High volume retail stores should not be allowed in existing Community Commercial and shall be prohibited in Neighborhood Commercial areas.

Office Commercial

Allowed Uses

Policy LU 2.37: The following list of allowed uses for Office Commercial areas is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

~~New residential uses are not allowed, except in Subarea 11 of the Centerville Specific Plan, where residential use may be allowed with a conditional use permit (see the Centerville Specific Plan). [Relocated below under "Residential Uses"].~~

Office Uses: All office uses are allowed. Regionally oriented office uses are permitted in areas with sufficient auto access (see Design and Development Policies).

Retail Uses: Accessory or incidental retail uses serving the office uses, including eating and drinking establishments, shall generally be permitted. Drive-through restaurants shall not be permitted.

Mixed Use: A mix of residential and office commercial uses may be allowed in a CO designated area; however, a wholly

residential development is not allowed. Mixed use developments may be permitted where the vitality of the commercial district is maintained.

Residential Uses: Wholly new residential projects are not allowed except as provided for by the Centerville Specific Plan.

Design and Development Policies

Policy LU 2.38: Neighborhood serving office uses are encouraged to be located in Neighborhood or Community Commercial Centers, citywide services to be within the Community Commercial or Central Business District areas, and regional office uses within the CBD.

Policy LU 2.39: Regionally oriented office uses may be allowed outside of the CBD in areas designated office commercial and meeting one or both of the following criteria:

- Convenient access from a freeway, or
- Convenient access from an arterial with sufficient road capacity to accommodate expected traffic at acceptable levels of service and without significant impacts on existing residential or industrial uses and meeting the following criteria:
- Providing transit linkages or alternate transportation means to assure the traffic impact for the proposed development is equivalent to a project constructed to the office commercial building intensity standard found in Table 3-5.

Policy LU 2.40: New office developments shall be designed to be compatible with and complement nearby development, especially nearby or adjacent residential development.